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C O N F I D E N T I A L BUJUMBURA 000306

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SUBJECT: RUDUDURA AWAITS A NEW HEARING IN A NEW COURT,
WITHOUT NEW HOPE

REF: A. BUJUMBURA 266

[1](#)B. BUJUMBURA 141

Classified By: Charge JoAnne Wagner for reasons 1.4 (b) and (d).

[1](#)1. (U) In a very quiet, unpublicized decision on June 15, Burundi's anti-corruption court ruled that it does not have the authority to try the case of Juvenal Rududura, the labor union vice-president charged with defamation of the president who has languished in prison since September 15, 2008 (ref A). The public prosecutor appealed the ruling to the Supreme Court on June 23. The Supreme Court is the same court that originally approved Rududura's pre-trial detention, despite his protests that the charges and detention are unwarranted.

[1](#)2. (C) COMMENT: Despite press coverage and civil society interest in Rududura's case since his arrest, including at his June 8 hearing, the anti-corruption court's decision occurred without press coverage and without notice by civil society. The court decision seems oddly under the radar -- the court did not even call Rududura to come hear the ruling (while it is not mandatory that a defendant be present at a ruling, it is customary). In addition, it is mandatory that the defendant be notified in writing of a decision; Rududura was not. To date, he still has not received official notice of the anti-corruption court's ruling nor the prosecutor's appeal.

[1](#)3. (C) According to Rududura, the Minister of Justice is using this case to seek revenge for Rududura's 2008 statement to the press that those seeking jobs in the Ministry of Justice must pay about one million Burundian francs (USD 810) to high-ranking Ministry staff to obtain a position (ref B). The unorthodox handling of Rududura's case lends some plausibility to Rududura's claims that someone is pursuing a vendetta. For example, prosecutor Godence Ndayizeye is reportedly a personal friend of the Minister; the prosecutor's appeal to the Supreme Court did not include notification to the defendant, though this is required by law; and the President of the Supreme Court is keeping the case file himself, which is atypical in Burundi's legal process. Post will continue to visibly monitor Rududura's case and to urge the GoB to conduct a fair trial without further delay. END COMMENT.

Wagner